



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,243	01/27/2004	Mohammad Ali Saffari	112300-1794	8934

7590 01/22/2007
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690-1135

EXAMINER

KIM, ANDREW

ART UNIT	PAPER NUMBER
----------	--------------

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/767,243

Applicant(s)

SAFFARI ET AL.

Examiner

Andrew Kim

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 22, and 34 are rejected on the ground of nonstatutory double patenting over claims 1, 13, 22, 31 and 42 of U. S. Patent No. 6,511, 377 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: a wagering game, an input device, an output device and method to allocate funds to different forms.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of

Art Unit: 3714

the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiss (US 6,511,377).

Claims 1, 22, 52. Weiss discloses an invention operated under the control of a processor, said gaming device comprising:

a wagering game controlled by the processor (fig. 1);

a display device controlled by the processor (fig. 1);

an input device connected operably to the processor (fig. 1); and

a cash out menu selectively displayed by the display device when a player selects the input device,

the cash out menu enabling the player to request a payout to the player of a first amount of the player's money credited at the game in a first form and a transfer of a second amount of the money to a casino account, wherein the first form is different than the casino account (fig. 8, withdrawals, col. 15 and 16). The reference meets the language because the claim does not state it must be based on one credit amount or even at the same time.

Claims 2, 23. Weiss discloses an invention wherein the wagering game is selected from the group consisting of: slot, poker, keno, blackjack, craps and bingo (col. 7, line 12).

Claims 3, 53. Weiss discloses an invention wherein the first form is selected from the group consisting of: coins, tokens, a ticket, a credit card crediting, a debit card crediting, a promotional ticket, a jackpot ticket and any combination thereof (summary, col. 2-4).

Claims 4, 24. Weiss discloses an invention wherein the casino account is accessible via a player tracking card (col. 3, lines 56-67).

Claims 5, 25. Weiss discloses an invention wherein the casino account is communicated through a player tracking card network (col. 3, lines 41-55).

Claims 6, 26. Weiss discloses an invention wherein the casino account is accessible with a device different than a player tracking card (col. 3, line 15).

Claims 7, 27. Weiss discloses an invention wherein the casino account is communicated through a network different than a player tracking card network (col. 3, line 15).

Claims 8, 28. Weiss discloses an invention wherein the casino account is communicated through a ticketing network (col. 20).

Claims 9, 30. Weiss discloses an invention wherein the casino account is accessible at multiple casinos (fig. 1).

Claims 10, 31. Weiss discloses an invention wherein the casino account is accessible for non-gaming purchases (col. 7).

Claims 11, 32. Weiss discloses an invention wherein the casino account is accessible for transferring funds between multiple machines (fig. 8).

Claims 12, 29. Weiss discloses an invention wherein said the cashout menu includes a selector that enables the player to select the first amount (fig. 4a).

Claims 13, 29. Weiss discloses an invention wherein the cashout menu includes a selector that enables the player to select the second amount (fig. 4a).

Claim 14. Weiss discloses an invention wherein the cashout menu includes input devices configured so that the first and second amounts do not necessarily add to a total cash out (claim 2).

Claims 15, 33. Weiss discloses an invention wherein increasing the first amount automatically decreases the second amount and increasing the second amount automatically decreases the first amount (col. 7).

Art Unit: 3714

Claim 16. Weiss discloses an invention wherein the cash out menu includes a display of an addition of the first amount of the player's money and the second amount of the player's money (col. 11 and 12).

Claim 17. Weiss discloses an invention wherein the cash out menu includes a cancel selector that cancels the request (fig. 4a).

Claim 18. Weiss discloses an invention wherein the cash out menu includes a selector that returns the player to the wagering game (fig. 4).

Claim 19. Weiss discloses an invention wherein the cash out menu includes a selector that enables the player to transfer funds between multiple machines (fig. 8).

Claims 20, 21. Weiss discloses an invention wherein the game is provided via a data network to a computer storage device (col. 17, line 11).

Claim 34. A networking system for a plurality of gaming devices, said system comprising:

a plurality of gaming devices located at a gaming establishment, each gaming device operating a game upon a wager by a player (col. 7, lines 1-25);

a server computer and a communications link linking the server computer to the plurality of gaming devices (col. 7, lines 25-45);

a ticketing system accessible through the gaming devices (col. 20); and

Art Unit: 3714

a fund transfer account program controlled by the server computer, the program operable to receive a monetary amount upon a cashout at one of the gaming devices by the player and to enable the player at a later time to retrieve the monetary amount (fig. 8).

Claim 35. Weiss discloses an invention wherein the server computer is located in the same establishment as the multiple gaming devices (fig. 1).

Claim 36. Weiss discloses an invention wherein the server computer is located in a different establishment as the multiple gaming devices (fig. 1).

Claim 37. Weiss discloses an invention wherein the communications link also communicates ticketing information to and from the gaming devices (col. 20).

Claim 38. Weiss discloses an invention wherein the server computer also controls a player tracking program offered by the establishment (col. 7).

Claim 39. Weiss discloses an invention wherein the communications link also communicates player tracking information from the gaming devices (col. 7).

Claim 40. Weiss discloses an invention which includes a cashout menu displayed by the gaming devices that enables the player to selectively transfer at least a portion of the player's money to the program upon the cash out (fig. 4a, col. 15 and 16, withdrawals).

Claim 41. Weiss discloses an invention wherein besides the fund transfer account, the gaming devices provide at least one additional mode of player selectable cash out payment (fig. 4a, col. 15 and 16, withdrawals).

Art Unit: 3714

Claim 42. Weiss discloses an invention wherein the additional mode is selected from the group consisting of: coins, tokens, a ticket, a credit card crediting a debit card crediting, a player tracking card crediting, a jackpot crediting and any combination thereof (fig. 4a, col. 15 and 16, withdrawals).

Claim 43. Weiss discloses an invention wherein the player is enabled to retrieve selectable portions of the monetary amount at the later time (fig. 8).

Claim 44. Weiss discloses an invention wherein the player is enabled to retrieve the monetary amount at one of the gaming devices (fig. 8).

Claim 45. Weiss discloses an invention wherein the player is enabled to retrieve the monetary amount at a location distinct from the gaming device (col. 16, line 37).

Claim 46. Weiss discloses an invention wherein the gaming device is a first gaming device, and wherein the monetary amount is able to be retrieved at a second gaming device (fig. 8).

Claim 47. Weiss discloses an invention wherein the monetary amount is a first monetary amount, and wherein a second monetary amount is able to be retrieved at a third gaming device (fig. 8).

Claim 48. Weiss discloses an invention wherein the player is a first player and the monetary amount is able to be retrieved at the second gaming device by a second player (col. 9, line 20).

Art Unit: 3714

Claim 49. The system of claim 46, wherein the monetary amount is able to be retrieved at the second gaming device by the same player (fig. 8).

Claim 50. Weiss discloses an invention wherein the casino account is accessed via a card accepted by one of the gaming devices, and wherein the card is additionally accepted at locations within a gaming establishment that are distinct from the gaming devices (background).

Claim 51. Weiss discloses an invention wherein the card is additionally accepted at locations outside the gaming establishment (background, system of claim 50).

Claim 54. Weiss discloses an invention wherein step (a) includes providing the menu when the player selects a cash out input device provided on the gaming device (col. 7).

Claim 55. Weiss discloses an invention wherein step (a) includes displaying on the menu the sum of the first portion and the second portion of the amount (claim 2).

Claim 56. Weiss discloses an invention wherein step (a) includes displaying on the menu an input that triggers payment of all the player's money in the first form (fig. 4a).

Claim 57. Weiss discloses an invention wherein step (a) includes displaying on the menu an input that triggers a crediting of all the player's money to the casino account (fig. 4a).

Claim 58. Weiss discloses an invention which includes enabling the player to transfer a third portion of the amount to a different gaming device (fig. 8).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Giobbi (US 7,147,558).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK 1/8/2007


SCOTT JONES
PRIMARY EXAMINER